

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR OKEECHOBEE / SCHALL COMMERCIAL (LGA 2004-00006) PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 57 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 11.96 ACRES, GENERALLY LOCATED ON THE SOUTH SIDE OF SCHALL ROAD, APPROXIMATELY .25 MILE NORTH OF OKEECHOBEE BOULEVARD AND .25 MILE WEST OF MILITARY TRAIL, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL HIGH WITH AN UNDERLYING 5 UNITS PER ACRE (CH/5) WITH CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 20 & 27 and March 12, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 28, 2004 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated June 19, 2004 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 24, 2004 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. Future Land Use Atlas page 57 is amended as follows:

Application No.: Okeechobee / Schall Commercial (LGA 2004-00006)

Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial High with an underlying 5 units per acre (CH/5);

General Location: South side of Schall Road, approximately .25 mile north of Okeechobee Boulevard and .25 mile west of Military Trail;

Size: Approximately 11.96 acres;

B. Conditions: This site is subject to the following conditions:

1. Development shall be limited to .20 Floor to Area Ratio (FAR) for a maximum 104,196 gross buildable square footage for this 11.96 acre site; and
2. The northernmost 250 feet of the site shall be crosshatched, with development on that portion of the site limited to drainage and landscaping only.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance

1 are hereby repealed to the extent of such conflict.

2 Part III. Severability

3 If any section, paragraph, sentence, clause, phrase, or word of
4 this Ordinance is for any reason held by the Court to be
5 unconstitutional, inoperative or void, such holding shall not affect
6 the remainder of this Ordinance.

7 Part IV. Inclusion in the 1989 Comprehensive Plan

8 The provision of this Ordinance shall become and be made a part
9 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
10 Ordinance may be renumbered or relettered to accomplish such, and the
11 word "ordinance" may be changed to "section," "article," or any other
12 appropriate word.

13 Part V. Effective Date

14 The effective date of this plan amendment shall be the date a
15 final order is issued by the Department of Community Affairs or
16 Administration Commission finding the amendment in compliance in
17 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
18 applicable. No development orders, development permits, or land uses
19 dependent on this amendment may be issued or commence before it has
20 become effective. If a final order of noncompliance is issued by the
21 Administration Commission, this amendment may nevertheless be made
22 effective by adoption of a resolution affirming its effective status,
23 a copy of which resolution shall be sent to the Florida Department of
24 Community Affairs, Division of Community Planning, Plan Processing
25 Team. An adopted amendment whose effective date is delayed by law
26 shall be considered part of the adopted plan until determined to be
27 not in compliance by final order of the Administration Commission.

1 Then, it shall no longer be part of the adopted plan unless the local
2 government adopts a resolution affirming its effectiveness in the
3 manner provided by law.

4 APPROVED AND ADOPTED by the Board of County Commissioners of
5 Palm Beach County, on the 24 day of August, 2004.

6 ATTEST: PALM BEACH COUNTY, FLORIDA,
7 DOROTHY H. WILKEN, Clerk BY ITS BOARD OF COUNTY COMMISSIONERS

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9
10 By: *Daniel C. Hickman* By: *Karen T. Marcus* for
11 Deputy Clerk of County Commissioners
12 Karen T. Marcus, Chair

13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
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15
16 *[Signature]*
17 COUNTY ATTORNEY

18 Filed with the Department of State on the 30 day
19 of August, 2004.
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21

EXHIBIT 1

Amendment No.: Okeechobee/Schall Commercial (LGA 2004-00006)

FLUA Page No.: 57

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Location: South side of Schall Road, approximately .25 mile north of Okeechobee Blvd. and .25 mile west of Military Trail

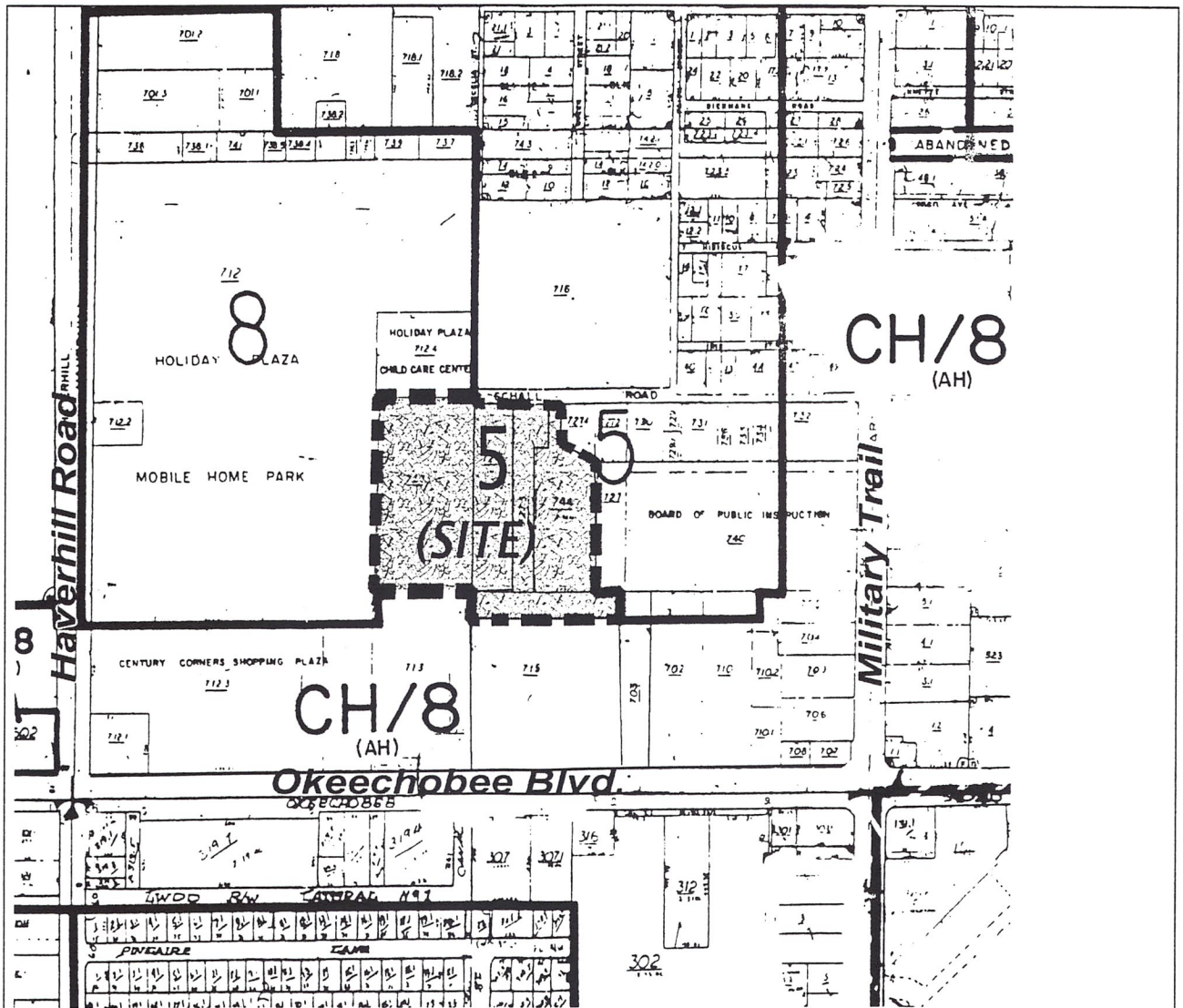
Size: Approximately 11.96 acres

Property No.: 00-42-43-24-00-000-7273, 00-42-43-24-00-000-7280, 00-42-43-24-00-000-7330, 00-42-43-24-00-000-7440, 00-42-43-24-00-000-7150 (portion of)

Legal Description: See attached

Conditions:

1. Development shall be limited to .20 Floor to Area Ratio (FAR) for a maximum 104,196 gross buildable square footage for this 11.96 acre site; and
2. The northernmost 250 feet of the site shall be crosshatched, with development on that portion of the site limited to drainage and landscaping only.



LEGAL DESCRIPTION:

A PORTION OF PARCEL 00-42-43-24-00-000-7150, SHOWN HEREON AS A PORTION OF **PARCEL 7150**, (PER WARRANTY DEED RECORDED IN O.R.B. 14578, PAGE 0845)

THE WEST THREE QUARTERS (W 3/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, **LESS** THE SOUTH 560 FEET THEREOF.

TOGETHER WITH;

PARCEL 00-42-43-24-00-000-7330, SHOWN HEREON AS **PARCEL 7330**, (PER WARRANTY DEED RECORDED IN O.R.B. 6784, PAGE 1013)

THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH;

PARCEL 00-42-43-24-00-000-7280, SHOWN HEREON AS **PARCEL 7280**, (PER WARRANTY DEED RECORDED IN O.R.B. 8239, PAGE 1962)

THE WEST 137 FEET OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, **LESS** THE NORTH 25 FEET THEREOF.

TOGETHER WITH;

PARCEL 00-42-43-24-00-000-7273, SHOWN HEREON AS **PARCEL 7273**, (PER WARRANTY DEED RECORDED IN O.R.B. 6720, PAGE 1903)

THE WEST 212 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 43 SOUTH RANGE 42 EAST, (**LESS** THE WEST 137 FEET THEREOF AND **LESS** THE NORTH 25 FEET THEREOF) AND TOGETHER WITH THE EAST 40 FEET OF THE SOUTH 143 FEET OF THE NORTH 168 FEET OF THE WEST 252 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24, ALL LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH;

PARCEL 00-42-43-24-00-000-7440, SHOWN HEREON AS **PARCEL 7440** (PER WARRANTY DEED RECORDED IN O.R.B. 4477, PAGE 0709)

COMMENCING AT THE NORTHWEST (NW) CORNER OF THE NORTH HALF (N1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, RUN THENCE (FOR CONVENIENCE THE NORTH LINE OF SAID NORTH HALF (N 1/2) IS SAID TO BEAR EAST AND ALL OTHER BEARINGS HEREIN MENTIONED ARE RELATIVE THERETO) EAST, A DISTANCE OF 294.0 FEET; THENCE SOUTH 00 DEGREES, 37 MINUTES , 45 SECONDS WEST, A DISTANCE OF 25.0 FEET TO THE **POINT OF BEGINNING**; CONTINUE THENCE SOUTH 00 DEGREES, 37 MINUTES, 45 SECONDS WEST, A DISTANCE OF 134.0 FEET; THENCE SOUTH 61 DEGREES, 08 MINUTES, 15 SECONDS EAST, A DISTANCE OF 136.90 FEET; THENCE SOUTH 00 DEGREES, 35 MINUTES, 30 SECONDS WEST ALONG THE WEST LINE OF THE WEST 100.0 FEET OF THE EAST 933.0 FEET OF THE SOUTH 400.0 FEET OF THE NORTH HALF (N 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 24, A DISTANCE OF 438.38 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 24; THENCE SOUTH 89 DEGREES, 52 MINUTES, 55 SECONDS WEST ALONG THE SAID SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) A DISTANCE OF 203.2 FEET; THENCE NORTH 00 DEGREES, 37 MINUTES, 45 SECONDS EAST ALONG THE WEST LINE OF THE WEST 212.0 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 24, A DISTANCE OF 495.89 FEET; THENCE EAST 40.0 FEET; THENCE NORTH 00 DEGREES, 37 MINUTES, 45 SECONDS EAST, A DISTANCE OF 143.0 FEET; THENCE

EAST 42.0 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.

THE COMPREHENSIVE PLAN AMENDMENT AREA BEING MORE PARTICULARLY DESCRIBED BY MEETS AND BOUNDS AS FOLLOWS:

A PARCEL OF LAND, LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA ;

THENCE SOUTH 89°08'44" EAST, ALONG THE NORTH LINE OF SAID EAST ONE-HALF, A DISTANCE OF 366.91 FEET; THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 25.00 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SCHALL ROAD; THENCE SOUTH 89°08'44" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 294.42 FEET; THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 134.00 FEET; THENCE SOUTH 60°21'22" EAST, A DISTANCE OF 137.06 FEET; THENCE SOUTH 01°27'06" WEST, A DISTANCE OF 438.19 FEET; THENCE SOUTH 89°15'36" EAST, A DISTANCE OF 90.41 FEET; THENCE SOUTH 01°25'42" WEST, A DISTANCE OF 102.96 FEET TO A POINT ON A LINE PARALLEL WITH AND 560 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID SECTION 24; THENCE NORTH 89°22'28" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 505.69 FEET; THENCE NORTH 01°27'06" EAST, A DISTANCE OF 103.97 FEET; THENCE NORTH 89°15'36" WEST, A DISTANCE OF 337.09 FEET; THENCE NORTH 01°28'01" EAST, A DISTANCE OF 664.71 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 521,174 SQUARE FEET OR 11.9645 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 24, 2004
DATED at West Palm Beach, FL on 10/21/04.
DOROTHY H. WILKEN, Clerk
By: Nicole Brown D.C.